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Attorneys for Defendants TRANSDEV
SERVICES INC., TRANSDEV
NORTH AMERICA, INC., and TRANSDEV

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHAUENGA M. HAKEEM on behalf of
herself and others similarly situated,

Plaintiff,

v.

TRANSDEV SERVICES, INC.;
TRANSDEV NORTH AMERICA, INC.;
TRANSDEV; and DOES 1 to 100,
inclusive,

Defendants.

Case No.

**DEFENDANTS' NOTICE OF
REMOVAL OF CIVIL ACTION
FROM STATE COURT**

[28 U.S.C. §§ 1331, 1367, 1441 and
1446]

State Action Filed: December 7, 2020
Trial Date: None

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**TO THE CLERK OF THE ABOVE-TITLED COURT AND PLAINTIFF
CHAUENGA M. HAKEEM, AND HER ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that defendants TRANSDEV SERVICES INC., TRANSDEV NORTH AMERICA, INC., and TRANSDEV, (collectively “Transdev” or “Defendants”) hereby affect the removal of the above-referenced action from the Superior Court in the State of California for the County of Alameda to the United States District Court for the Northern District of California pursuant to 28 U.S.C. §§1331, 1367, 1441 and 1446. This Notice is based upon the original jurisdiction of this Court over the parties under 28 U.S.C. §1331 and the existence of a federal question herein. Defendants make the following allegations in support of its Notice of Removal:

JURISDICTION

1. This action is one over which this court has original jurisdiction under 28 U.S.C. §1331 and is one which may be removed by Defendants pursuant to 28 U.S.C. §§1367, 1441 and 1446.

2. On or about December 7, 2020, plaintiff Chauenga M. Hakeem (“Hakeem”) filed an original complaint in the Superior Court of the State of California in the County of Alameda, entitled, CHAUENGA M. HAKEEM on behalf of herself, all others similarly situated, v. TRANSDEV SERVICES, INC.; TRANSDEV NORTH AMERICA, INC.; TRANSDEV; and DOES 1-100, Case No. RG20083377. The Complaint asserts five causes of action for: (1) Failure to Provide Disclosures or Proper Disclosure in Violation of 15 U.S.C. §1681b(b)(2)(A) (Fair Credit Report Act); (2) Failure to Provide Summary of Rights in Violation of 15 U.S.C. §§1681(d)(a)(1) and 1681g(c) (Fair Credit Reporting Act); (3) Violation of California Civil Code §1786, *et. seq.* (Investigative Consumer Reporting Agencies Act); (4) Violation of California Civil Code §1785, *et. seq.* (Consumer Credit Reporting Agencies Act); (5) Violation of Business and Professions Code §17200, *et. seq.* (Unfair Competition). A true and correct copy of the complaint is attached to

the Declaration of Torey Favarote (“Favarote Decl.”) as **Exhibit A**. On January 13, 2021, Plaintiff served Defendants with the Civil Cover Sheet, Summons and Complaint, and Notice of Hearing. A true and correct copy of the Service of Process Notices that were provided to Defendants by their agent for service of process is attached to Favarote Decl. as **Exhibit B**. On February 10, 2021, Defendants filed an answer to Plaintiff’s Complaint in Alameda County Superior Court. A true and copy of the Answer is attached to Favarote Decl. as **Exhibit C**.

1. To Defendants’ knowledge, no other papers or processes have been filed or received in this matter by Defendants.

INTRADISTRICT ASSIGNMENT

2. Northern District of California Civil Local Rule 3-2 provides that all civil actions arising in the counties of Alameda, Contra Costa, Del Norte, Humboldt, Lake Marin, Mendocino, Napa, San Francisco, San Mateo or Sonoma Counties shall be assigned to the San Francisco or Oakland Divisions. See Northern District Local Rules 3-2(c) and (d), and 3-5(b). Plaintiff filed this action in Alameda County.

UNANIMOUS REMOVAL BY DEFENDANTS

3. Defendants join together and consent to remove the state court action to this Court.

4. Defendants believe that the DOE Defendants in this case have not been identified or served. DOE defendants designated 1 through 100 are fictitious and are to be disregarded for purposes of this removal. 28 U.S.C. §1441(a). The DOE defendants need not join in this removal. Fisher v. Alfa Chemicals Italiana, (9th Cir. 2007) 258 Fed.Appx. 150, 151 (citing) Emrich v. Touch Ross & Co., 846 F.2d 1190, 1193 fn.1 (9th Cir. 1988) (“the general rule that all defendants must join a removal petition applies however, only to defendants properly joined and served in the action.”)

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THE REMOVAL IS TIMELY

5. As required by 28 U.S.C. §1446(d), this Notice of Removal is timely in that it has been filed within thirty (30) days of Defendants’ first receipt of the Summons and Complaint.

6. As required by 28 U.S.C. §1446(d), Defendants will give notice of this removal to Plaintiff through their attorney of record.

7. As required by 28 U.S.C. §1446(d), a copy of this Notice will be filed with the Superior Court of the State of California in and for the County of Alameda.

BASIS FOR REMOVAL

FEDERAL QUESTION JURISDICTION

8. The 28 U.S.C. §1331 provides that “the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

9. This Court has original jurisdiction over the instant action pursuant to 28 U.S.C. §1331 based on federal question jurisdiction. Plaintiff’s complaint asserts claims under the Fair Credit Reporting Act, 15 U.S.C. §1681 *et. seq.* (“FCRA”), a federal statute.

10. In the complaint, Plaintiff asserts claims under 15 U.S.C. §§1681b(b)(2)(A), 1681o, 1681d(a), 1681d(b), 1681(g)(c) of the FCRA (Exhibit A, Complaint at ¶¶46, 50, 56-64.) As such, this action presents a federal question over which this Court has original jurisdiction under 28 U.S.C. §1331 and removal of Plaintiff’s complaint is proper.

SUPPLEMENTAL JURISDICTION

11. Under 28 U.S.C §1367(a), “except as provided in subsection (b) and (c) or as expressly provided otherwise by federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under

Article III of the United States Constitution. Such supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties.” The complaint includes state law claims that “form part of the same case or controversy” as the federal law claims. United Mine Workers of America v. Gibbs, (1966) 383 U.S. 715, 725-726; Sea-Land Service, Inc. v. Lozen Int’l, LLC, (9th Cir. 2002) 285 F.3d 808, 814).

12. In the complaint, Plaintiff alleges that Defendants did not provide a disclosure form or in the alternative, a non-compliant disclosure form, to Plaintiff prior to procuring a background report in violation of the FCRA, and California Civil Code §1786 *et. seq.* (Investigative Consumer Reporting Agencies Act) and California Civil Code §1785, *et. seq.* (Consumer Credit Reporting Agencies Act). (Exhibit A, Complaint, at ¶¶24, 74-81, 91-93.) It is clear that all of the claims arise from the same transaction or occurrence and form the same case or controversy.

13. Since the Court has jurisdiction over both the federal law and state law claims in Plaintiff’s Complaint, the case may be properly removed to federal court. 28 U.S.C. §1441(c).

RESERVATION OF RIGHTS

14. By filing this Notice of Removal, Defendants do not concede nor waive any defense or motion relating to this action. Defendants reserve all defenses.

WHEREFORE, having provided not as required by law, the above-titled action should be removed from the Superior Court for the County of Alameda to this Court.

Dated: February_10, 2021

GLEASON & FAVAROTE, LLP
TOREY JOSEPH FAVAROTE
JING TONG

By: /s/ Torey Joseph Favarote
Torey Joseph Favarote

Attorneys for Defendants
TRANSDEV SERVICES INC.,
TRANSDEV NORTH AMERICA,
INC., and TRANSDEV

PROOF OF SERVICE

I, Thomas Steinhart, declare:

I am and was at the time of the service mentioned in this declaration, employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within action. My business address is Gleason & Favarote, LLP, 4014 Long Beach Boulevard, Suite 300, Long Beach, CA 90807.

On February 11, 2021, I served a copy(ies) of the following document(s):
**DEFENDANTS' NOTICE OF REMOVAL OF CIVIL ACTION FROM
 STATE COURT**

on the parties to this action by placing them in a sealed envelope(s) addressed as follows:

Attorney	Party(ies) Served	Method of Service
Joseph Lavi, Esq. N. Nick Ebrahimian, Esq. Vincent C. Granberry, Esq. Courtney M. Miller, Esq. LAVI & EBRAHIMIAN, LLP 8889 W. Olympic Blvd., Suite 200 Beverly Hills, California 90211 Tel. (310) 432-0000 Fax: (310) 432-0001 jlavi@lelawfirm.com nebrahimian@lelawfirm.com vgranberry@lelawfirm.com cmiller@lelawfirm.com	Attorneys for Plaintiff CHAUENGA M. HAKEEM, on behalf of herself and others similarly situated	First Class Mail
Sahag Majarian II, Esq. LAW OFFICES OF SAHAG MAJARIAN II 18250 Ventura Boulevard Tarzana, California 91356 Tel. (818) 609-0807 Fax: (818) 609-0892 sahagii@aol.com	Attorneys for Plaintiff CHAUENGA M. HAKEEM, on behalf of herself and others similarly situated	First Class Mail



[BY MAIL] I placed the sealed envelope(s) for collection and mailing by following the ordinary business practice of Gleason & Favarote, LLP, Long Beach, California. I am readily familiar with Gleason & Favarote, LLP's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and this declaration was executed on February 11, 2021, at Long Beach, California


 Thomas Steinhart